

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOHN J. AQUINO, CHAPTER 7 TRUSTEE,	:	
By Its Assignee, Convergent Distributors of	:	
Texas, LLC,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No.: 1:21-cv-01355-JSR
	:	
ALEXANDER CAPITAL, LP, JOSEPH	:	
AMATO, ROCCO GUIDICIPETRO, and	:	
NESA MANAGEMENT, LLC,	:	
	:	
Defendants.	:	
	:	

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**DEFENDANTS' MOTION FOR DISBURSEMENT  
OF FUNDS FROM COURT REGISTRY**

Defendants Alexander Capital, LP, NESA Management, LLC, Joseph Amato, and Rocco Guidicipietro hereby move for an Order directing the Clerk of Court to disburse the funds deposited by Plaintiff into the Court's registry pending the outcome of Plaintiff's appeal of the Court's December 28, 2023 Order and February 1, 2024 Judgment imposing attorney's fees as a sanction under Federal Rule of Civil Procedure 37(e)(1).

On February 1, 2024, the Court ordered Plaintiff to pay Defendants \$45,337.50 in attorney's fees as a sanction pursuant to Federal Rule of Civil Procedure 37(e)(1). *See* Dkt. 230. On March 1, 2024, the Court granted Plaintiff's request to deposit the amount of that attorney's fee award with the Court pursuant to Federal Rule of Civil Procedure 67, pending resolution of Plaintiff's appeal of that award. *See* Dkt. 239. On March 4, 2024, Plaintiffs deposited funds in the amount of \$45,337.50 into the Court's registry, Dkt. 240, as evidenced by the Court's notation on the docket on March 5, 2024 (via Receipt Number NYSCCA24-00153).

On October 31, 2024 the Court of Appeals for the Second Circuit affirmed the district court's February 1, 2024 Judgment awarding attorney's fees as sanctions. *See Exhibit A.*

For these reasons, Defendants are entitled to the disbursement of \$45,337.50 in funds from the Court's registry pursuant to the Court's February 1, 2024 Judgment as affirmed on October 31, 2023. Defendants request that the Court direct the Clerk of Court to disburse those funds to Defendants care of Holcomb + Ward, LLP as counsel for Defendants.

Respectfully submitted, this 7th day of November 2024.

/s/ Bryan Ward

Bryan Ward (*Pro Hac Vice*)

Aaron Wright (*Pro Hac Vice*)

Holly Cole (*Pro Hac Vice*)

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*Counsel for Defendants Alexander Capital LP,  
Joseph Amato, Rocco Guidicipietro, and NESA  
Management, LLC*

Se ORDERED  
JSD  
JSDT

1-23-25